

REMARKS

At the outset, Applicant thanks the Examiner for the thorough review and consideration of the pending application. The Office Action dated October 20, 2004 has been received and its contents carefully reviewed.

Applicant appreciates the allowance of claims 1-8, 10-23, 25, and 26.

Claim 24 is hereby amended. Accordingly, claims 1-8, 10-26, 29, and 32 are currently pending. Specifically, claim 24 has been amended to depend from allowed claim 1. Accordingly, Applicant respectfully submits that the rejection of claims 24 and 29 under 35 U.S.C. § 103(a), as being allegedly unpatentable over the related art shown in Figures 1 and 2 in view of Suzuki et al. (U.S. Patent No. 5,739,880) and Kashima et al. (U.S. Patent No. 6,504,589), is moot and that claims 24 and 29 are in condition for instant allowance.

In the Office Action, the Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being allegedly unpatentable over the related art shown in Figures 1 and 2 in view of Nagakubo et al. (U.S. Patent No. 6,313,891). This rejection is respectfully traversed and reconsideration is requested.

Rejecting claim 32, the Examiner cites the related art shown in Figures 1 and 2 as disclosing “a lamp housing (22) surrounding the lamp and arranged on a portion of the light guide [12] . . . [and] a sheet material (10) between the light guide (12) and the second substrate (6), and the sheet material (10) having an uppermost sub-layer such as a protective layer (10a)” but as failing to disclose “that the uppermost sub-layer is set apart from the lamp housing.” Attempting to cure the deficiency of the related art shown in Figures 1 and 2, the Examiner cites Nagakubo et al. as disclosing at “(col. 1, lines 13-33; Fig. 11) that a conventional ordinary liquid crystal display device is arranged such that successively laminated on the back surface of a liquid crystal panel (31) are a protection/diffusion sheet (32), lens sheets (33), and the uppermost sub-layer is the protection/diffusion sheet (32) which is set apart from the lamp holder (37) for improving the brightness of light.” The Examiner then asserts “[i]t was common and known in the art that the lamp housing generates heat so that the uppermost sub-layer is set apart from the lamp housing would obtain more protection” and finally concludes “it would have been

obvious... to arrange the uppermost sub-layer [of the related art shown in Figures 1 and 2] apart from the lamp housing" for two reasons: 1) "for achieving more protection;" and 2) "improving the brightness of light." Applicant, however, respectfully disagrees.

As set forth at M.P.E.P. § 2143, establishment a *prima facie* case of obviousness requires, among other criteria, that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. § 2142 discloses that the teaching or suggestion to make the claimed combination must not be based on the Applicant's disclosure. Applicant respectfully submits the Examiners assertion the "[i]t was common and known in the art that the lamp housing generates heat so that the uppermost sub-layer is set apart from the lamp housing would obtain more protection" and thus the conclusion that it would have been obvious to modify the related art shown in Figures 1 and 2 with Nagakubo et al. allegedly "for achieving more protection" is not found in Nagakubo et al. Rather, the aforementioned suggestion is supported only by the Applicant's disclosure (see the specification at, for example, page 4, lines 14-20 and page 7, lines 13-19). Therefore, Applicant respectfully submits the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 32 and requests withdrawal of the present rejection under 35 U.S.C. § 103(a).

With respect to the second reason for motivation cited by the Examiner, Nagakubo et al. discloses at column 1, lines 14-17, that "successively laminated on the back surface of a liquid crystal panel 31 are a protection/diffusion sheet 32; two lens sheets 33 disposed under the protection/diffusion sheet 32 for improving the brightness of light." Accordingly, Applicant respectfully submits Nagakubo et al. fails to teach wherein "the protection/diffusion sheet (32)... is set apart from the lamp holder (37) for improving the brightness of light," as asserted by the Examiner. Rather, the lens sheets 33, disposed under the protection/diffusion sheet 32, improves the brightness of light. Moreover, Nagakubo et al. lacks any teaching or suggestion that the "brightness of light" is improved merely because the protection/diffusion sheet (32) is set apart from the lamp holder (37), as asserted by the Examiner. For at least this reason, Applicant respectfully requests withdrawal of the present rejection under 35 U.S.C. § 103(a).

It is respectfully submitted that the arguments presented above are identical to those presented in the Amendment filed August 25, 2004. As set forth at M.P.E.P. § 707.07(f), where Applicant traverses any rejection, the Examiner should take note of the Applicant's argument and answer the substance of it, if the rejection is to be maintained. In the "Response to Arguments" section, however, the Examiner attempts to rebut the arguments presented above merely by summarizing the teachings of Nagakubo et al., as relied upon in the rejection, and asserting that "the conventional structure disclosed by Nagakubo such as Fig. 11 shows the sheet material ... being set apart from the lamp housing that is a traditional design and that would have been at least obvious." Applicant respectfully submits, however, that this rebuttal fails to answer the substance of the arguments presented above, let alone provide evidence that the arguments, in their entirety, were even considered. If the Examiner intends to maintain the present rejection, Applicant respectfully requests that all of the arguments presented above be fully considered and substantively answered.

Further, in maintaining the finality of the present rejection, the Examiner asserts that the mere illustration, in Nagakubo et al., of sheet material set apart from the lamp housing indicates that the structure recited in claim 32 "would have been at least obvious." Applicant respectfully submits, however, that the mere fact that references relied upon individually teach all elements of the claimed invention, is insufficient to establish a *prima facie* case of obviousness (see M.P.E.P. § 2143.01). That is, there must be some objective reason to combine the teachings of the references and arrive at the claimed invention. Thus, the mere fact that Nagakubo et al. illustrates a portion of sheet material that is set apart from a lamp housing, without more, cannot serve as an objective basis to modify the related art shown in Figures 1 and 2 and arrive at the invention recited in claim 32.

Applicant believes the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

Application No.: 09/394,379
Amendment filed February 18, 2005
Reply to Office Action dated October 20, 2004

Docket No.: 8733.088.00

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: February 18, 2005

Respectfully submitted,

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